

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 98-891

April 20, 2000

MAINE PUBLIC UTILITIES COMMISSION
Investigation into Rates of Bryant Pond Telephone
Company Pursuant to 35-A M.R.S.A. § 7101-B

ORDER

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

I. SUMMARY

In this Order, we approve a Stipulation which resolves all of the issues in the above-captioned matter. The Stipulation provides that this matter is now moot because of the merger of Bryant Pond Telephone Company (Bryant Pond) into Oxford West Telephone Company (Oxford West). All issues in this proceeding are now subject to the Stipulation resolving the similar proceeding for Oxford West, Docket No. 98-900.

II. BACKGROUND

On December 28, 1999, the Commission approved the merger of Oxford West and Bryant Pond. Oxford West Telephone Company and Bryant Phone Telephone Company – Application for Approval of Merger, Docket No. 99-890, Order (Dec. 28, 1999). On December 30, 1999, the two companies were merged, with Oxford West remaining as the surviving company. Pursuant to the merger, Oxford West now serves the former customers of Bryant Pond.

On April 18, 2000, we have approved a Stipulation resolving Oxford West's rate investigation. The Stipulation provided that on May 30, 2001, Oxford West Telephone Company will lower its intrastate access rates to the 1999 NECA tariff rates and that neither the Commission nor Oxford West will initiate a general rate proceeding until June 1, 2002, absent specific circumstances.

On April 11, 2000, Bryant Pond filed the attached Stipulation which was signed by the OPA and Bryant Pond. TAM and Bell Atlantic have indicated that while they are not signing the Stipulation, they do not object to it.

III. DECISION

In reviewing a stipulation submitted by the parties to a proceeding, we consider: (1) whether the parties joining the stipulation represent a sufficiently broad spectrum of interests that the Commission can be sure that there is no appearance or reality of disenfranchisement; (2) whether the process that led to the stipulation was fair to all parties; and (3) whether the stipulated result is reasonable and is not contrary to

legislative mandate. Consumers Maine Water Co., Proposed General Rate Increase of Bucksport and Hartland Divisions, Docket No. 96-739 (Me. P.U.C. July 3, 1997).

Given that we have already approved the substantive resolution of this case in our Oxford West Order, that all the parties to this proceeding either joined the Stipulation or did not object to it, and that we have already approved the merger, we find that this Stipulation meets our substantive requirements.

Accordingly, we

O R D E R

1. That the Stipulation attached as Attachment A and filed on April 11, 2000, is approved.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
Nugent
Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.